

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**CHARLES MICHAEL HALL,**

**Defendant.**

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**Case No. 10-3029-02-CR-S-GAF**

**ORDER**

Now pending before the Court are the following motions filed by Defendant Charles Michael Hall:

- (1) Hall's motion to strike the non-statutory aggravating factor of "future dangerousness" set out in the Notice Of Intent To Seek Death Penalty in toto, or, in the alternative, to strike certain allegations supporting the factor (Doc. 291);
- (2) Hall's request for a detailed disclosure from the Government of the proposed "future dangerousness" information supporting that non-statutory aggravating factor allegation in the Notice Of Intent To Seek Death Penalty (Doc. 292);
- (3) Hall's motion to strike the non-statutory aggravating factor regarding "lack of remorse" set out in the Notice Of Intent To Seek Death Penalty (Doc. 297);
- (4) Hall's motion to strike the non-statutory aggravating factor set out in the Notice Of Intent To Seek Death Penalty alleging that Hall's conduct suggested "grave indifference to human life" (Doc. 295);
- (5) Hall's motion to strike the statutory aggravating factor contained in the superceding indictment alleging that Hall "committed the offense in an especially heinous, cruel or depraved manner in that it involved torture or severe physical abuse to" the victim (Doc. 296);
- (6) Hall's motion to strike the statutory aggravating factor contained in the superceding indictment that Hall caused a death during the commission of the offense of murder by a person serving a life sentence (Doc. 224); and

- (7) Hall's motion to prohibit the Government from seeking the death penalty due to indictment clause violations (Doc. 215).

On February 11, 2014, United States Magistrate Judge John T. Maughmer issued his Report and Recommendation (Doc. #494).

On February 26, 2014, Defendant filed Objections to the Report and Recommendation Regarding Defendant Hall's Motion to Declare the Federal Death Penalty Act Unconstitutional Due to Indictment Clause Violations (Doc. #520).

On March 28, 2014, Defendant filed the following objections:

- (1) Objections to the Report and Recommendation Regarding Mr. Hall's Motion to Strike Future Dangerousness Aggravating Factor, or in the Alternative, to Strike Certain Supporting Allegations (Doc. #598);
- (2) Objections to the Report and Recommendation Regarding Mr. Hall's Motion to Strike Lack of Remorse Aggravating Factor (Doc. #599);
- (3) Objections to the Report and Recommendation Regarding Mr. Hall's Motion to Strike the Aggravating Factor Alleged Against Mr. Hall, Under Subparagraph 2(C)(ii) of the Government's Notice of Intent to Seek the Death Penalty, Regarding "Conduct Suggesting a Grave Indifference to Human Life" (Doc. 600);
- (4) Objections to the Report and Recommendation Regarding Mr. Hall's Motion to Strike the Aggravating Factor Alleged Against Mr. Hall Regarding Causing Death in an Especially Heinous, Cruel or Depraved Manner (Doc. 601);
- (5) Objections to the Report and Recommendation Regarding Mr. Hall's Motion to Strike the Aggravating Factor Alleged Against Mr. Hall Regarding Causing a Death During the Commission of the Offense of Murder By a Person Serving a Life Sentence (Doc. #602);
- (6) Objections to the Report and Recommendation Regarding Mr. Hall's Motion to Declare the Federal Death Penalty Act Unconstitutional Due to Indictment Clause Violations (Doc. #603).

Upon careful and independent review of the pending motions and suggestions in support thereof, Defendant Hall's objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates, in part, as its own Opinion and Order the Report and Recommendation (Doc. #494).

Accordingly, it is hereby **ORDERED** that the following motions are **DENIED**:

- (1) Mr. Hall's Motion To Strike Future Dangerousness Aggravating Factor, Or In The Alternative To Strike Certain Supporting Allegations, filed February 11, 2013 (Doc. 291);
- (2) Charles Michael Hall's Request For Detailed Disclosure Of Proposed Future Dangerousness Information, filed February 11, 2013 (Doc. 292);
- (3) Charles Michael Hall's Motion To Strike Aggravating Factor Regarding Lack Of Remorse, filed February 18, 2013 (Doc. 297);
- (4) Charles Michael Hall's Motion To Strike Aggravating Factor Regarding Conduct Suggesting Grave Indifference To Human Life, filed February 18, 2013 (Doc. 295);
- (5) Charles Michael Hall's Motion To Strike Aggravating Factor Regarding Causing Death In An Especially Heinous Cruel Or Depraved Manner, filed February 18, 2013 (Doc. 296); and
- (6) Charles Michael Hall's Motion To Prohibit The Government From Seeking The Death Penalty Due To Indictment Clause Violations, filed December 6, 2012 (Doc. 215).

**IT IS FURTHER ORDERED** that the following motion is **GRANTED**:

- (1) Charles Michael Hall's Motion to Strike Aggravating Factor Regarding Causing Death during the Commission of the Offense of Murder by a Person Serving A life Sentence, filed December 25, 2012 (Doc. 224).

SO ORDERED.

s/ Gary A. Fenner  
GARY A. FENNER, JUDGE  
UNITED STATES DISTRICT COURT

DATED: April 7, 2014